
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Scott Allen Bell)	File No. EB-FIELDNER-13-00009779
Owner of Vessel "Hot Flash")	
)	
North Channel Island, Michigan)	NOV No. V201332360036

NOTICE OF VIOLATION

Released: July 23, 2013

By the District Director, Detroit Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules),¹ to Scott Allen Bell, owner of vessel "Hot Flash," located on North Channel Island, St. Clair County, Michigan. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.²

2. On July 1, 2013, the Enforcement Bureau's Detroit Office received a complaint from the Detroit Sector of the United States Coast Guard (USCG) regarding interference to VHF Marine Channel 16 (156.800 MHz) from a continuous radio signal. Using radio direction finding techniques, Detroit Office agents traced the interfering signal to a faulty Marine VHF radio installed and operated on the vessel "Hot Flash" and observed the following violation:

47 C.F.R. § 80.89(d): "Stations must not: When using telephony, transmit signals or communications not addressed to a particular station or stations. This provision does not apply to the transmission of distress, alarm, urgency, or safety signals or messages, or to test transmissions." The agents determined that a VHF transmitter installed on the vessel "Hot Flash" was transmitting a continuous unmodulated carrier on VHF Marine Channel 16 (156.800 MHz), the International Distress, Safety and Calling Frequency. The transmission was not conducted as a test or for distress or emergency purposes.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Scott Allen Bell must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct Scott Allen Bell to support his response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized official of Scott Allen Bell with personal knowledge of the representations provided in Scott Allen Bell's response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in Scott Allen Bell's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Detroit Office
24897 Hathaway Street
Farmington Hills, Michigan 48335

6. This Notice shall be sent to Scott Allen Bell at his address of record.

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

James A. Bridgewater
District Director
Detroit District Office
Northeast Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).